

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ADAM STREGE,

Plaintiff,

v.

Civ. No. 23-816 GBW

GMAIL-GOOGLE, *et al.*,

Defendants.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on *pro se* Plaintiff's Complaint (*doc. 1*), filed September 19, 2023, Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form) (*doc. 3*), filed September 19, 2023, and Plaintiff's Motion for Electronic Filing (*doc. 4*), filed September 19, 2023.

Order for Amended Complaint

The Complaint, which is largely unintelligible, contains allegations regarding God, email, semen, Covid 19, nuclear missiles, World Trade Center Collapse, World War II holocaust, and other topics. Plaintiff appears to assert claims for violations of his constitutional rights regarding speech and religion pursuant to 42 U.S.C. § 1983 and for violation of 15 U.S.C. § 7704 which prohibits sending emails with false or misleading information. *See doc. 1* at 2.

The Complaint should be dismissed because it fails to state a claim upon which relief can be granted. “[T]o state a claim in federal court, a complaint must explain what each defendant did to him or her; when the defendant did it; how the defendant’s action harmed him or her; and, what specific legal right the plaintiff believes the defendant violated.” *Nasious v. Two Unknown B.I.C.E. Agents, at Arapahoe County Justice Center*, 492 F.3d 1158, 1163 (10th Cir. 2007). The Complaint does not contain the factual allegations necessary to state a claim against each Defendant as described in *Nasious*.

Furthermore, the Complaint does not contain factual allegations showing that the Court has personal jurisdiction over the Defendants which include “People on Trillion[s of other] Planets.” *Doc. 1* at 1; *see Dental Dynamics, LLC v. Jolly Dental Group, LLC*, 946 F.3d 1223, 1228 (10th Cir. 2020) (plaintiff bears burden of establishing personal jurisdiction).

The Court orders Plaintiff to file an amended complaint which complies the Federal Rules of Civil Procedure and the District of New Mexico’s Local Rules of Civil Procedure.

Order to Cure Deficiency

Plaintiff filed a motion to proceed *in forma pauperis* using the form “Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form).” *See doc. 3* (“Short Form Application”). The Short Form Application does not provide sufficient information for the Court to determine whether a plaintiff is unable to pay the required

fees. The Court requires plaintiffs seeking to proceed without prepaying fees to file an “Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)” (“Long Form Application”). Failure to file a Long Form Application within twenty-one (21) days from entry of this Order *or* failure to follow all instructions in the Long Form Application may result in denial of the motion to proceed *in forma pauperis*.

Motion for Electronic Filing

Plaintiff seeks to file documents electronically and states his “PACER account already works with CO and PR District Courts and 2 Appellate Courts.” *Doc. 4* at 1.

The Court grants Plaintiff permission to file electronically in this case only. *See* Guide for Pro Se Litigants at 13, District of New Mexico (October 2022) (“approval to electronically file documents within a case must be granted by the presiding judge for each case in which the *pro se* litigant wishes to file using their CM/ECF account”). The Court will revoke permission to file electronically if Plaintiff abuses his electronic filing privilege or fails to comply with the rules and procedures in the District of New Mexico’s Guide for Pro Se Litigants and the District of New Mexico’s CM/ECF Administrative Procedures Manual. Account registration forms, procedure manuals, and other information can be obtained at the Court’s website at <http://www.nmd.uscourts.gov/filing-information>. This Order only grants Plaintiff permission to participate in CM/ECF; Plaintiff is responsible for registering to become a

participant. *See* CM/ECF Administrative Procedures Manual, District of New Mexico (Revised January 2021).

Case Management

Generally, *pro se* litigants are held to the same standards of professional responsibility as trained attorneys. It is a *pro se* litigant's responsibility to become familiar with and to comply with the *Federal Rules of Civil Procedure* and the *Local Rules of the United States District Court for the District of New Mexico* (the "Local Rules").

Guide for Pro Se Litigants at 4, United States District Court, District of New Mexico (October 2022). The Local Rules, the Guide for Pro Se Litigants and a link to the Federal Rules of Civil Procedure are available on the Court's website:

<http://www.nmd.uscourts.gov>.

Compliance with Rule 11

The Court reminds Plaintiff of his obligations pursuant to Rule 11 of the Federal Rules of Civil Procedure. *See Yang v. Archuleta*, 525 F.3d 925, 927 n. 1 (10th Cir. 2008) ("*Pro se* status does not excuse the obligation of any litigant to comply with the fundamental requirements of the Federal Rules of Civil and Appellate Procedure.>").

Rule 11(b) provides:

Representations to the Court. By presenting to the court a pleading, written motion, or other paper--whether by signing, filing, submitting, or later advocating it--an attorney or unrepresented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

(1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

(2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;

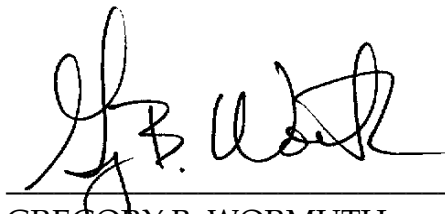
(3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

Fed. R. Civ. P. 11(b). Failure to comply with the requirements of Rule 11 may subject Plaintiff to sanctions, including monetary penalties and nonmonetary directives. *See* Fed. R. Civ. P. 11(c).

IT IS HEREBY ORDERED that:

- (i) Plaintiff shall, within 21 days of entry of this Order, file an amended complaint. Failure to timely file an amended complaint may result in dismissal of this case.
- (ii) Plaintiff shall file an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) within twenty-one (21) days from entry of this order. Failure to timely file a Long Form Application may result in denial of Plaintiff's motion to proceed without prepaying fees or costs.
- (iii) The Clerk shall send to Plaintiff a copy of this Order and an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form).
- (iv) Plaintiff's Motion for Electronic Filing, Doc. 4, filed September 19, 2023, is GRANTED.



GREGORY B. WORMUTH
CHIEF UNITED STATES MAGISTRATE JUDGE